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10/556,655

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Bjorn Jonsson

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EXAMINER

DAGER, JONATHAN M

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/556,655	<b>Applicant(s)</b> JONSSON ET AL.	
	<b>Examiner</b> JONATHAN M. DAGER	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 January 2008 has been entered.

### ***Response to Arguments***

Applicant's arguments, see page 9, filed 15 January 2008, with respect to the Bickford (US 2004/0236504) reference not constituting prior art have been fully considered and are persuasive. Accordingly, the rejections of claims 1, 2, 4, 5, and 7-9 under 35 U.S.C. 102(b) has been withdrawn.

Further, the rejections of claims 3, 6, 19, and 20 are now withdrawn due to the above-mentioned persuasive arguments.

Applicant's arguments, see pages 10-12, filed 15 January 2008, with respect to the rejection of claim 10 under 35 U.S.C. 102(b) have been fully considered and are persuasive. The rejection of claim 10 under 35 U.S.C. 102(b) has been withdrawn.

Further, the rejections of claims dependent therefrom (claims 11-18) have been withdrawn.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7-11, 13, 14, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chern (US 2003/0060211).

Regarding claims 1 and 10, Chern has disclosed a system and method for producing guiding information for a user in a vehicle (para 0044, routing feature), in which the wireless device is capable of compiling information received from a server. The server is in contact with a database that is associated with the relevant user information (abstract, para 0044). The device also includes a memory (para 0033, 0044) which can be configured to store user options such as scripts or prompting (audible or visual, see user preferences para 0057). Thus, the device is capable of communicating with multiple data sources, and displaying/relaying the received data to the user in the predefined (by the user) format specified.

Next, the device of Chern discloses a means for presenting the compiled information on the user interface (para 0035, including visual and audio information). This user interface means includes the means for processing the information from the above sources (para 0033) to create a specification message comprising an information object, i.e. searching the databases in response to a query, retrieving the information

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associated with the object and indicating the results on a screen or via speaker (also see searching for information, including routing, hotels, lodging, food, etc. para 0043-0047).

As noted above, Chern discloses that the presentation of data is accomplished according to user preferences; the last embodiment of claim 1 specifies that the selection of presentation media is based on the availability of the preferred medium and a priority associated with the output of information. Chern has clearly disclosed that presentation is based on availability of the preferred medium (i.e. the user selects the preferred medium, and information is relayed through said available medium, para 0057, 0060), and further discloses an alert function that outputs information due to priority (para 0048).

Regarding claim 2 and 11, Chern discloses that the processor is responsible for transcoding the relevant information received/retrieved from the databases with respect to the information object (para 0033, 0035, abstract).

Regarding claim 4 and 13, Chern discloses that the information object includes a user information object (location and positioning, para 0040), a navigation information object (para 0043-0047), and vehicle dynamic properties (para 0039, 0040).

Regarding claim 5 and 14, Chern discloses that navigation information obtained may be data relevant to points of interest (para 0027) on a given road segment (para 0054, 0061, 0062).

Regarding claim 7, 8, 17, and 18, Chern discloses a means for determining the state of the system, as well as determining enforcement of rules applied to the specification message (i.e. POI in a "bad neighborhood") and changing the system state (unsafe) in response to said rules (para 0048).

Regarding claim 9, Chern discloses that the processor is configured to transcode the user preferences to enforce the user defined rules (para 0033, 0048).

Regarding claim 16, Chern discloses how the target information object is changeable as a function of the information from the vehicle (para 0040, 0054).

3. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota (US 2004/0102898).

Regarding claim 19 and 21, Yokota discloses a method for generating real-time guiding information for a user's navigation system (abstract, title), in which the system queries a plurality of databases (para 0020, 0042, 0044, Fig. 3, 5,) to determine the stored information about the area the vehicle is traveling in (para 0020, abstract), and

also determines the vehicle operating conditions, including weather and traffic conditions (para 0008, 0009, 0017, 0020, 0021, 0027).

The system and method of Yokota then utilizes the compiled information to generate navigation information by user preference (para 0071, 0075). Further, it is well known in the art of navigation devices that user preferences include visual and/or audio prompting by said device.

Some information objects generated include POI data (including distance to, map information, guidance information, all of which change with the dynamic properties sensed by the vehicle (para 0043, 0044).

In presenting the data to the user, the format used for the guiding information message displayed is according to a predetermined priority level and appropriate user circumstance (para 0025).

Regarding claim 20, Yokota discloses that the method determines a target information object including the position of the target and other data according to specifications available, as well as a navigation object for providing data relating to a position of the user and target (para 0025, 0027, 0044, fig. 1A, 1B).

4. It is noted that claim 21 contains multiple statements of intended use or field of use (e.g. “for detecting”, “for producing”, “for processing”, “for forming”, etc.). These statements of intended use or field of use are essentially method limitations, or statements of intended or desired use. Thus, these claims as well as other statements

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of intended use do not serve to patentably distinguish the claimed structure over that of the reference.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim.

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. Apparatus claims cover what a device is not what a device does.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

Additionally, the terms "configured to" or "arranged to" are considered to be structurally modified statements and are not intended use. Claims amended to include the above listed language may patentably distinguish themselves structurally.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern as applied to claims 1 and 10 above, and further in view of DeLorme et al. (US 6,321,158).

Regarding claims 3 and 12, Chern discloses that information displayed is done so using the appropriate visual indicator (para 0035), but does not explicitly teach that



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the information can be replaced with a stored abstraction of the object from a symbol database.

7. DeLorme, however, teaches that the information object can be replaced by a stored abstraction from a symbol database (Figure 1A, column 10, lines 3-15).

Thus, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chern with the teachings of DeLorme to provide a means for replacing the information object by a stored abstraction of the object. Doing so would more easily identify the information object.

8. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern as applied to claims 4 and 13 above, and further in view of Buckham (US 6,662,016).

Regarding claims 6 and 15, Chern discloses a target information object (fig. 1A, 1B), but does not explicitly disclose that the target information object includes a representation of another vehicle, as well as the presentation information object includes a representation of a route to intercept the vehicle as a function of predetermined characteristics.

9. Buckham, however, teaches providing graphical location information such as the location of an individual (including one's self); a car, truck, boat or other vehicle; one or more vehicles of a fleet; and/or the location of a mobile unit such as a wireless telephone (column 4 lines 36-47).

Buckham further teaches that in such known applications, it is sometimes desirable to provide location information by way of a graphical display. Such a display may show the location of a mobile resource on a map of a surrounding area. The map may identify other requested location information, such as the location of a service provider of interest, for example, a hotel, restaurant or the like, in addition to the mobile resource location. Such graphical displays are useful because they allow a viewer to quickly ascertain a significant amount of location information. For example, a dispatcher or fleet manager may quickly ascertain the location of mobile resources of interest by viewing the display. Similarly, an individual may quickly determine how to drive or walk to an identified service provider location by viewing a map that identifies both the location of the individual and the service provider location. Accordingly, it is useful to provide a display that includes at least mapping information and a marker, e.g., a cursor or other identifier, indicating the position of a mobile resource (column 1 lines 17-42).

Thus, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system and method of Chern with the teachings of Buckham to provide a display that would show the position of another moving vehicle. Doing so would enable the user to determine a course to intercept using the current vehicle properties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN M. DAGER whose telephone number is (571)270-1332. The examiner can normally be reached on 0830-1800 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan M Dager/  
Examiner, Art Unit 3663  
02 April 2008

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663